

**To:** 'James, William L LRN'[William.L.James@usace.army.mil]; Hurd, Kathy[Hurd.Kathy@epa.gov]; 'Kim Fish'[FISHK@michigan.gov]; 'Susan Lockwood'[Susan.Lockwood@dep.nj.gov]  
**Cc:** 'Patrick Field'[pfield@cbuilding.org]; Colleen O'keefe[Okeefec@michigan.gov]; Elston, Sue[elston.sue@epa.gov]  
**From:** Peg Bostwick  
**Sent:** Wed 10/26/2016 6:35:22 PM  
**Subject:** RE: Wisconsin can only watch mine planned amid sacred sites at river's edge | Local News | host.madison.com  
[Aquila Back Forty 8-15-16 Corps Comments.pdf](#)

I have been in touch with the MDEQ about this project. I am informed that a detailed letter from the Corps of Engineers was received in response to the first application – copy attached. There was a public hearing on the project early this month – a media summary from the DEQ is posted below. The DEQ has also been in touch with the State of Wisconsin, and with the tribes; EPA Region 5 staff have also met with the tribes. As noted in the letter from the Corps, needed information on a number of issues is missing from the application, such that no decision can be made. The DEQ is currently waiting for a new application that addresses missing information. In short, the project is controversial, but both state and federal agencies are fully engaged, and are aware of the concerns of the tribes.

Here is the media report from the hearing earlier this month, which also includes links to other media reports.

**From:** Smith, Laura (DEQ)  
**Sent:** Monday, October 10, 2016 8:07 AM  
**To:** DEQ-WRD-ALL <DEQ-WRD-ALL@michigan.gov>  
**Subject:** FW: Daily Media Report - Friday, October 7

#### **Aguila Back 40 permit hearing, Thursday 10/6.**

Steve Casey recaps the evening: Yesterday's public hearing on Aquila's Back 40 mine for AQD, NPDES and Part 632 permits was attended by several hundred people. About 100 spoke, with those opposing the mine outnumbering those in favor by better than a 3:1 margin. A large number of commentators were from the Menominee Tribe. Many said the tribe was not consulted at all and were especially concerned about disturbance of cultural resources. They must not have been aware of the consultations that did occur, two of which I attended. Mr. Maki can provide a summary of those consultations.

Some tribal members also stated that their leadership was not shown proper respect, due to the

amount of time allowed for testimony and my failure, as moderator, to allow commentators to "give" their time others, including tribal leaders, who had already spoken.

Some detail. The public notice for the meeting said commentators would be given five minutes to speak. The meeting was scheduled for 4 hours. Just prior to starting the meeting, about 100 people had filled out cards indicating they wished to speak. This averages less than 2.5 minutes per speaker, including the time to walk to the microphone. As the meeting started, I announced a 3 minute time limit. With about ~90 minutes and 45 cards left, I further cut the amount of time to two minutes. Even so, the meeting went a half an hour over, thanks to the gracious staff of Stephenson High School. Due to the time constraints, no speakers were allowed to come to the podium more than once. Those who tried were not allowed to "give" their time to any person who had already spoken. I did allow a speaker to give their spot to a tribal leader who had not spoken yet at a time when I feared all who filled out cards would not have an opportunity to speak before we were "evicted" from the high school.

Lynn Fiedler also reports: I concur with Steve's summary of the public hearing. The hearing lasted 4 ½ hours. No break was taken and all who indicated they wished to speak were given the opportunity. The names were read in the order they were received. Steve read three names at a time making the transition between commenters quick.. Near the end of the hearing, several times three names were read and only one person spoke. During one or two of these instances the commenter did not state their name so it was unclear which of the three people were speaking. I took notes from their testimony, but am unable to link the testimony to a specific name.

#### **Today's News Clippings:**

##### **Michigan Radio: Michigan plans more public input on environmental standards**

<http://michiganradio.org/post/michigan-plans-more-public-input-environmental-standards#stream/0>

##### **WSAU Radio, Wausau: Battle Lines Drawn In Fight Over U.P. Mine**

<http://wsau.com/news/articles/2016/oct/07/battle-lines-drawn-in-fight-over-u-p-mine/>

**WFRV-TV5, Green Bay: Hundreds show up to comment against the Back Forty Mine in Michigan**

<http://www.wearegreenbay.com/news/local-news/hundreds-show-up-to-comment-against-the-back-forty-mine-in-michigan>

**WBAY-TV2, Green Bay: Public voices opinion over controversial mine on Wisconsin/Michigan border**

<http://wbay.com/2016/10/06/public-weighs-in-on-controversial-mine-on-wisconsinmichigan-border/>

**Fox11 News, Green Bay: Hundreds fill public meeting for proposed UP mine**

<http://fox11online.com/news/local/northwoods/canadian-company-hosts-public-meeting-for-proposed-michigan-mine>

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**From:** James, William L LRN [mailto:William.L.James@usace.army.mil]

**Sent:** Tuesday, October 25, 2016 9:28 PM

**To:** Hurl, Kathy; Kim Fish; Peg Bostwick; Susan Lockwood

**Cc:** Patrick Field

**Subject:** Wisconsin can only watch mine planned amid sacred sites at river's edge | Local News |  
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[http://host.madison.com/wsj/news/local/environment/wisconsin-can-only-watch-mine-planned-amid-sacred-sites-at/article\\_02f83e70-965f-5971-a849-df1df01e2386.html](http://host.madison.com/wsj/news/local/environment/wisconsin-can-only-watch-mine-planned-amid-sacred-sites-at/article_02f83e70-965f-5971-a849-df1df01e2386.html)